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In re Application of	:	
Mueller et al.	:	
Serial No.: 10/511,419	:	DECISION ON
PCT No.: PCT/US03/11584	:	PETITION
Int. Filing Date: 16 April 2003	:	UNDER 37 CFR 1.137(b)
Priority Date: 16 April 2002	:	
Attorney's Docket No.: 07420.06543	:	
For: CLEANING SPRAY NOZZLE	:	

This decision is responsive to the "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)" filed by facsimile transmission on 11 May 2005.

BACKGROUND

On 16 April 2003, applicants filed international application PCT/US03/11584, which claimed priority of an earlier United States provisional application filed 16 April 2002. Accordingly, the thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 16 October 2004.

On 14 October 2004, applicants filed a transmittal letter for entry into the national stage in the United States. The transmittal letter was accompanied by, *inter alia*, a copy of the international application, a declaration and authorization to charge applicant's deposit account \$59 to pay the basic national fee. These papers were assigned Application No. 10/511,419.

On 05 May 2005, the United States Patent and Trademark mailed the "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909) which indicated that the application had become abandoned for failure to provide the full U.S. Basic National Fee by 30 months.

On 11 May 2005, applicant filed the current petition along with authorization to charge the deposit account for the basic national fee, and the petition to revive fee.

On 30 August 2005, applicant's petition was dismissed because the petition to revive and the basic national fee were sent by facsimile.

On 26 September 2005, applicant filed a new petition to revive and the basic national fee by United States Postal Service Express Mail.

DISCUSSION

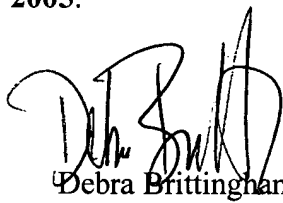
A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional delay must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied (1) by a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," (2) by a proper reply, (3) by the petition fee required by law (37 CFR 1.17(m)), and (4) if the international filing date of the application is before June 8, 1995, any petition to revive under 37 CFR 1.137(b) must be accompanied by a terminal disclaimer and small entity fee of \$55.

Items (1) and (3) were satisfied in the earlier filed petition, and item (4) is not required. With respect to item (2), applicant has now filed a proper reply, and the petition is granted.

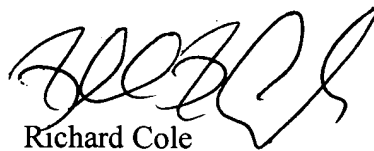
CONCLUSION

The petition to revive the application abandoned under 35 U.S.C. 371(d) is GRANTED as to the National Stage in the United States of America.

This application is being forwarded to the national stage office for preparation of a "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) showing a 35 U.S.C. 371 date of **26 September 2005**.



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